

**REMARKS/ARGUMENTS**

**Overview of the Office Action**

Claims 1 and 6-8 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Lum (U.S. Patent No. 6,272,529) in view of Park (U.S. Patent No. 5,459,578) and Anderson (U.S. Patent No. 3,775,751).

Claims 2, 3, and 5 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Lum (U.S. Patent No. 6,272,529) in view of Park (U.S. Patent No. 5,459,578), Anderson (U.S. Patent No. 3,775,751), and Ikeda (U.S. Patent No. 6,505,220).

Claims 4 and 9 have been objected to by the Examiner as being dependent upon a rejected base claim but would otherwise be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

**Status of the Claims/Amendments**

Claim 1 has been amended. Claims 1-9 are pending.

**Claims Rejected Under 35 U.S.C. § 103(a)**

**Regarding Claims 1 and 6-8, as well as Claims 2, 3, and 5:**

Claims 1 and 6-8 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Lum (U.S. Patent No. 6,272,529) in view of Park (U.S. Patent No. 5,459,578) and Anderson (U.S. Patent No. 3,775,751). Claims 2, 3, and 5 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Lum (U.S. Patent No. 6,272,529) in view of Park (U.S. Patent No. 5,459,578), Anderson (U.S. Patent No. 3,775,751), and Ikeda (U.S. Patent No. 6,505,220).

In order to establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves

or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally the prior art reference (or references when combined) must teach or suggest all the claim elements. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and cannot be based on applicant's disclosure. (MPEP §§ 2142, 2143.)

In regard to the third criteria (that the prior art references or combination of references must teach or suggest all the claim elements), Applicants respectfully submit that, contrary to the Examiner's assertion, nowhere do Lum, Park, or Anderson, separately or in combination, suggest or teach a controller that "is programmed to delay, route and regenerate data at mixed baud rates, mixed character framing bits and **mixed protocols**..." (Claim 1, lines 4-5) (emphasis added) or "re-transmitting the error corrected data mixed baud rates, mixed character framing bits and **mixed protocols**" (Claim 7, lines 3-4) (emphasis added). 10

As stated in the present application, with supplemental annotations in brackets ("[ ]"), "One particularly beneficial function of the serial communications hub 100 is its ability to delay, route and regenerate data on the fly at mixed baud rates, mixed character framing bits, and mixed protocols. This is accomplished without any setup prior to operation, such as selecting baud, number of stop bits, number of data bits, etc. To accomplish this [retransmission of received data], all incoming data is digitized and quantitized in the time domain. ... Upon re-transmission, the time values are used to reconstruct the data... Advantages of this approach include the ability to store, recall, route, and error correct data **without any knowledge of the data formatting or protocol**" (Specification, page 3, lines 18-25) (emphasis added). In other words, the baud rates, framing bits, and protocols of the received data transmission are *irrelevant* to the serial communications hub (SCB) in the

present application because the SCB is unconcerned with the *content* of the data message but, instead, receives the data transmission, converts and temporarily holds (stores) the data transmission, and then reconstructs and retransmits the data transmission. By reconstructing the data transmission in this way, the SCB is also inherently reconstructing the baud rates, character framing bits, and underlying protocols that are part of that data transmission despite not having any actual knowledge or understanding of these elements.

Lum, on the other hand, and as recited by the Examiner, discloses that “[t]he master controller 4 preferably converts the received serial communication from the server 2 into a multipoint communications protocol...for distribution along the network” (col. 4, lines 12-17). Lum does not suggest or teach the receiving and retransmitting of data regardless of the protocol for that data. Likewise, neither Park, Anderson, nor Ikeda teach or suggest any such functionality, nor do any of these references in combination teach or suggest this functionality. Consequently, Lum, Park, Anderson, and Ikeda, separately and in combination, fail to teach or suggest all the claim elements of the present invention, and Applicants therefore request that the rejection of Claims 1-4 and 6-8 under 35 U.S.C. § 103(a) be withdrawn.

### **Allowable Claims**

#### **Regarding Claims 4 and 9:**

Claims 4 and 9 have been objected to by the Examiner as being dependent upon a rejected base claim but would otherwise be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

In light of the arguments presented hereinabove regarding independent base Claims 1 and 7, from which Claims 4 and 9 depend respectively, Applicants respectfully submit that the objections to Claims 1 and 7 have been traversed and said claims are allowable.

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**PATENT**

Applicants therefore request that Claims 5 and 9 now be allowed to issue as claims dependent upon allowable claims.

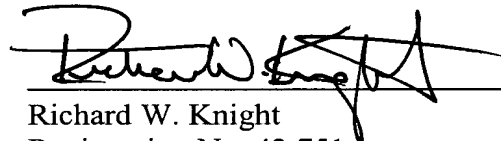
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**CONCLUSION**

Based on the reasons and rationale set forth herein, Applicants respectfully submit that the objections and rejections have been overcome and, accordingly, Applicants request that the objections and rejections be withdrawn and that the claims be allowed to issue. Should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1394.

Respectfully submitted,

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